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October 7, 2004

VIA HAND DELIVERY

Honorable Nathaniel M. Gorton
U.S. District Court for the
District of Massachusetts
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

RE: TouchPoint Solutions, Inc. v. Eastman Kodak Company
Civil Action No. 4-11014-NMG

Dear Judge Gorton:

While we hesitate to impose another letter upon the Court, we write to briefly inform the Court of a recent development in this matter. In an apparent response to the letter Kodak filed with the Court yesterday in which we argued, among other things, that TouchPoint cannot truly be concerned about its "confidential" materials because TouchPoint had not requested their return, TouchPoint has now requested that Kodak return or sequester all TouchPoint documents and materials. Kodak has agreed in principle to TouchPoint's request, provided TouchPoint will undertake a reciprocal effort with Kodak materials in TouchPoint's possession.

We wished to bring this to the Court's attention because of its relevance to the statements in our letter of yesterday's date and to the pending preliminary injunction application.

Respectfully submitted,

Robert B. Calihan

cc: H. Joseph Hameline (fax and mail)